

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ASSURANCE COMPANY OF AMERICA, )  
  )  
Plaintiff, )  
  )  
v. ) Case No. 3:08-cv-0711  
  )  
CONTINENTAL DEVELOPMENT & )  
CONSTRUCTION, INC.; )  
NICK PSILLAS AND DEBBIE PSILLAS; )  
THOMAS C. McCORD; )  
and ELAINE E. McCORD, )  
  )  
Defendants. )

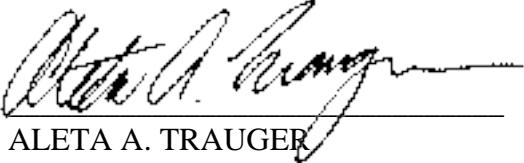
**ORDER**

For the reasons expressed in the accompanying memorandum, the motion to dismiss filed by the defendants Thomas C. McCord and Elaine E. McCord (Docket No. 45) is **DENIED**, and the motion for summary judgment filed by the plaintiff Assurance Company of America (Docket No. 52) is **GRANTED** with respect to all of the plaintiff's claims.

Additionally, the plaintiff's motion to strike the defendants' summary judgment sur-reply (Docket No. 75) is **DENIED** as moot, the defendants' motion to deem their additional statement of facts undisputed (Docket No. 80) is **DENIED**, and the defendants' motion *in limine* to exclude the plaintiff's rebuttal expert from testifying (Docket No. 85) is **DENIED** as moot.

It is so Ordered.

Entered this 8th day of June 2009.



ALETA A. TRAUGER  
United States District Judge